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09/847,145	05/02/2001	Wolfgang Theimer	473-010326-US(PAR)	6585
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Perman & Green, LLP 99 Hawley Lane Stratford, CT 06614			EXAMINER NGUYEN, LE V	
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			2174	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

09/847,145

**Applicant(s)**

THEIMER, WOLFGANG

**Examiner**

LE NGUYEN

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. This communication is responsive to an amendment filed 12/29/09.
2. Claims 1-22 are pending in this application; and, claims 1, 10, 12, 14 and 22 are independent claims. Claims 1-22 have been amended.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-8, 10-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. ("Bush", US 6,397,186) in view of Taylor et al. ("Taylor", US 5,769,527).

As per claim 1, although Bush teaches a method comprising controlling a system, especially an electrical and/or electronic system, comprising a plurality of application devices in which control information in the form of a spoken command is detected, the detected control information is identified and a determination is automatically made as to which application device the detected control information is associated with wherein if the detected control information is associated with a single application device, a control corresponding to the detected control information is executed in the application device (col. 5, lines 23-

32; col. 22, lines 42-47), Bush does not explicitly disclose if detected control information is associated with more than one application device, a prompt for selection of an application device to which the detected control information is to be associated is provided wherein, upon selection of the application device, a control corresponding to the detected control information is executed in the application device. Taylor teaches if detected control information is associated with more than one application device, a prompt for selection of an application device to which the detected control information is to be associated is provided wherein, upon selection of the application device, a control corresponding to the detected control information is executed in the application device (Abstract; col. 65, line 65 – col. 66, line 10). In view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007), it would have been obvious to an artisan at the time of the invention to include the method of Taylor with the method of the modified Bush in order to resolve ambiguities.

As per claims 2 and 15, the modified Bush teaches a method and interface comprising that the detected control information is signaled back as announcement or indication for confirming the detected control information input (Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

As per claims 4 and 17, the modified Bush teaches a method and interface comprising that a detected control information input which cannot be reliably interpreted is correspondingly marked in a return signaling (Bush: col. 22, lines 42-47; Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

As per claim 5, the modified Bush teaches a method comprising determining whether the detected control information is complete in order to be able to execute a requested action, and a request to complete the detected control information is made if the determination is that the detected control information is not complete (Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

As per claim 6, although the modified Bush teaches a method wherein the detected control information input comprises keyword or keywords, the keyword or keywords being compared with stored keywords for the purpose of determining a control function corresponding to the detected control information and the application device to which the detected control information corresponds (Bush: col. 22, lines 42-47; Taylor: Abstract; col. 65, line 65 – col. 66, line 10), the modified Bush does not explicitly disclose utilizing a database; however, utilizing a database is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include such utilization with the method of the modified Bush as an implementation preference, especially in view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

As per claim 7, the modified Bush teaches a method comprising that the database of stored keywords includes an association of available application devices, control instructions and control parameters corresponding to the stored - keywords as control information (Bush: col. 22, lines 42-47; Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

As per claims 8 and 16, the modified Bush teaches a method and interface comprising that the control parameters are stored as lists and,

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moreover, associated with keywords stored as control information (Taylor: fig. 10 and respective portions of the specification).

Claims 10, 12, 14 and 22 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

As per claims 11, 13 and 21, the modified Bush teaches a method and interface comprising providing a prompt and an output device for outputting information to the user wherein the method and system is operative to request, via the output device, the additional control information from the user if the detected control information input is unknown, ambiguous or incomplete (Bush: col. 5, lines 30-32; col. 22, lines 42-47; Taylor: Abstract; col. 65, line 65 – col. 66, line 10).

Claim 19 is similar in scope to the combination of claim 6 and 7 and is therefore rejected under similar rationale.

As per claim 20, the modified Bush teaches an interface comprising that the control parameters are stored as lists and, moreover, associated with keywords stored as control information (Taylor: fig. 10 and respective portions of the specification).

5. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. ("Bush", US 6,397,186) in view of Taylor et al. ("Taylor", US 5,769,527) as applied to claim 2, and further in view of Houser et al. ("Houser", US 5,774,859).

As per claims 3 and 18, although the modified Bush teaches a method and interface comprising that, upon determining that the detected control

information input which allows a number of possibilities for its interpretation is associated with more than one application device (Taylor: Abstract; col. 65, line 65 – col. 66, line 10), the modified Bush does not explicitly disclose providing a list of application devices with which the detected control information is associated and allowing selection of one of the application devices on the list. Houser teaches providing a list of application devices with which the detected control information is associated and allowing selection of one of the application devices on the list (col. 19, lines 44-46). It would have been obvious to an artisan at the time of the invention to include the method of Houser with the method of the modified Bush in order to provide users with an indication of available likely options, especially in view of KSR, 127 S. Ct. 1727 at 1742, 82 USPQ2d at 1397 (2007).

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. ("Bush", US 6,397,186) in view of Taylor et al. ("Taylor", US 5,769,527) as applied to claim 7, and further in view of Osawa.

As per claim 9, although the modified Bush teaches a method for controlling a system, especially an electrical and/or electronic system, comprising storing control instructions for the application devices affected and the control parameters needed in each case to execute the instructions (Bush: fig. 2a *and respective portions of the specification*; col. 5, lines 23-32), the modified Bush does not explicitly disclose using data records. Osawa teaches a method for controlling a system, especially an electrical and/or electronic system, comprising using data records (fig. 4; page 9, lines 11-14; page 10, lines 17-22; *depicted is a table containing multiple data fields wherein each row in the table constitutes a*

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*data record, i.e. each row contain more than one data field and different rows contain similar data, therefore, each row is called a data record*). It would have been obvious to an artisan at the time of the invention to incorporate the method of Osawa with the method of the modified Bush in order to provide users with data organizational capabilities.

The modified Bush and Osawa still do not explicitly disclose the control instruction being stored together with dummy codes for the applications devices affected; however, using a dummy to reserve space is well known in the art. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of a dummy to the method of the modified Bush and Osawa so that space may be reserved until the intended item is available.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Stammler (US 6,839,670 B1) teach omitting the repeating of complete command sentences with several command words and instead a limiting to short commands, e.g., "further," "higher," "stronger," wherein the system knows from the respectively preceding command what this statement refers to; including of



the help menu or the information menu; including of repetition requests from the SDS in case of unsure decisions by the recognizer ("what do you mean," "please repeat," "and further"); including of speech outputs in order to ensure that the recognition is increased by stimulating certain manners of speaking (e.g. by the query: "please louder").

Geilhufe et al. (US 6,584,439 B1 ) teach that if recognition does not occur after MaxTries, GETRESPONSEPLUS will return and indicate an error. The Intervene.sub.13 Prompt parameter is a prompt played to ask the user to repeat himself (e.g. "There was too much noise. Please repeat what you said."). This prompt is played when there was too much noise during the previous recognition attempt. The Repeat.sub.13 Prompt parameter is the prompt played to ask the user to repeat what was just said (e.g. "Please repeat what you said"). This prompt is used when a spoke-too-soon error occurred (e.g. "Please try again."). The Help.sub.13 Prompt parameter is the prompt played when the user seems to need further instructions, including when the user says nothing. The voice controlled device returns a pointer to an integer array upon completion of the user interface function. If the recognition of a response associated with the TopicList was successful, the first element in the array is the number of tokens returned and the following elements in the array are the tokens for each identified speech element (one or more words). Element

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1 is n the Number of tokens returned. Elements 2 through n+1 are the Token values for each speech element recognized. For example, consider the phrase "Telephone Dial Office". If the token value for the speech element "Telephone" is 7, for the speech element "Dial" is 12, and for the speech element "Office" is 103, then if they are all recognized successfully, the complete array returned would be four elements long with the values 3, 7, 12, 103. If recognition was not successful, the array is four elements long. The first element is zero. The second element indicates the most recent type of error that occurred. The third through fifth elements indicate the number of times each type of error occurred between when GETRESPONSEPLUS was called to when ETRESPONSEPLUS returned.

Buchner et al. (US 6,535,854 B2 ) teach questions or messages are stored in a memory. These can be output from the speech unit 2 to a user. Such questions or messages may be used in a dialogue in-between the speech unit 2 and the user to complete commands spoken by the user into proper user-network-commands, examples are please repeat, which device, do you really want to switch off?, etc.

### ***Inquires***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached at (571) 272-7767.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn  
Patent Examiner  
January 28, 2010

/DENNIS-DOON CHOW/

Supervisory Patent Examiner, Art Unit 2174